

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

CORE WIRELESS LICENSING)
S.A.R.L.,)
Plaintiff,) CIVIL ACTION NO. 6:12-CV-100
vs.) JURY TRIAL DEMAND
APPLE INC.,)
Defendant.)

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

Plaintiff Core Wireless, S.r.l. (“Core Wireless”) and Defendant Apple Inc. (“Apple”) submit this Joint Claim Construction and Prehearing Statement pursuant to Patent Rule 4-3 and the Court’s Docket Control Order (Doc. 66).

I. CLAIM CONSTRUCTION AGREED UPON (P.R. 4-3(a))

The parties have agreed upon the constructions of the following claim term that was originally proposed for construction by one of the parties. The agreed-upon claim construction is as follows:

Patent Claims	Claim Term	Agreed Construction
'850 patent, claims 1, 2, 8, 11, 12, 18, 21, 22, 28, 30, and 32	Virtual transmission time interval	a parameter that defines the minimum time interval between subsequent new transmissions

The parties have further agreed on the corresponding functions to all of the means-plus-function limitations found in the asserted claims. The agreed-upon functions are provided in the chart attached as **Exhibit 1**.

II. DISPUTED CLAIM TERMS AND PHRASES (P.R. 4-3(b))

A. Core Wireless’s Statement

Apple has identified 8 non-means-plus-function claim terms or phrases that it wishes the Court to construe. Core Wireless has identified one. Although Core Wireless believes that construction of the term it proposes would be helpful to clarify issues regarding one of the patents-in-suit, Core Wireless does not believe that any of these terms are case- or claim-dispositive. Core Wireless provides the following list of disputed claim terms in descending order of importance.

Patent	Term
'277	One or more core networks
'959	Dynamic configurations
'850	Predetermined period
'022	Modify/modifying the default forgetting factor
'664	Modify/modifying the default forgetting factor
'022	Calculate/calculating a default forgetting factor
'664	Calculate/calculating a default forgetting factor
'277	control signaling
'277	carrying out the plurality of control signallings . . . without releasing a connection established for control signaling between the terminal and access network
'277	transmit[ting] a request for maintaining the connection established for control signalling between the terminal and the access network

The originally asserted claims had a total of 45 means-plus-function limitations. In order to streamline claim construction and reduce the burden on the Court and the parties, Core Wireless withdrew sufficient claims to eliminate 28 of those means-plus-function limitations, leaving 17 means-plus-function limitations in the case.¹

The parties have come to agreement regarding all of the corresponding functions of the 17 remaining means-plus-function terms. Although the parties have had several meet-and-

¹ In its statement, Apple makes reference to the total number of claims in dispute. This is essentially irrelevant to claim construction because all of the disputed claim terms occur in about 16 of the claims asserted by Core Wireless, and reducing the number of asserted claims even by a substantial amount would not eliminate most, or perhaps any, of these disputes.

confers to resolve their differences, the parties have not yet come to agreement on any of the corresponding structures. Core Wireless does not believe that any of these disputes regarding the means-plus-function limitations are case- or claim-dispositive – indeed, a number of the disputes appear to be technical or trivial in nature –and Core Wireless believes that the parties should continue to work in good faith to eliminate as many of these terms from the case as possible before the *Markman* hearing. Core Wireless believes that many of the disputes regarding the means-plus-function limitations are not sufficiently important to justify the use of the Court's resources for construction.

The following is a chart of the 17 remaining means-plus-function limitations in descending order of importance:

Patent	Term
'860	means for decrypting base station location information using said decryption key
'860	means for receiving a decryption key or data needed to construct said decryption key from the mobile station together with a key or data needed to construct the next decryption key
'860	means for receiving on a broadcast channel information related to a service
'860	means for decrypting said information by means of a decryption key
'860	means for receiving said decryption key or data needed to construct said decryption key together with a key or data needed to construct the next decryption key on a channel assigned to said mobile station in connection with a location update procedure
'860	means for receiving from the mobile station encrypted information related to a service
'860	means for receiving said decryption key from the mobile station related to a location update procedure (claim 14)
'860	means for calculating the location of the mobile station on the basis of time

Patent	Term
	difference information and base station location information (claim 15)
'959	means (56) for receiving a broadcast control signal issuing from a base station to which the mobile station is being handed over by another base station and for performing an error check of the broadcast control signal
'959	means (55), responsive to the error check of the broadcast control signal, for either reading any dynamic configuration indicated by the broadcast control signal or waiting until a predetermined time and then activating the means for receiving the broadcast control signal, depending on the error check
'277	means for carrying out control signallings in a telecommunication system via an access network to one or more core networks
'143	means for receiving a threshold value of a channel selection parameter from the system
'143	means for comparing a current value of the last channel selection parameter sent to the mobile station to said calculated value of the channel selection parameter
'143	means for calculating a value corresponding to the channel selection parameter on the basis of the parameters of the data packet to be sent
'143	means for storing said threshold value of the channel selection parameter
'143	means for sending uplink packet data to the system using a selected channel, wherein the selected channel is either a common channel (RACH) or a dedicated channel (DCH)
'143	means for making said channel selection on the basis of the result of said comparison (claim 18)

B. Apple's Statement

There are currently 8 distinct non-means-plus-function claim terms or phrases that require construction by the Court.² In addition, there are currently 17 means-plus-function limitations that require the Court to determine the corresponding structure.

Apple has tried to limit the number of claim terms for which it proposes construction to the greatest extent possible given the number of asserted claims. To that end, even though Core Wireless continues to assert over 170 claims, Apple is presently seeking construction of only 7 distinct non-means-plus function terms. Core Wireless is seeking construction of 1 other non-mean-plus-function term (“one or more core networks” for the ‘277 patent). The proper construction of each of the terms that Apple has selected would reinforce why Apple does not infringe -- and in that sense could be claim-dispositive -- but Apple would have substantial defenses under Core Wireless's proposed constructions, as well. Pursuant to the Docket Control Order, Apple provides the following chart indicating the priority of construction of the non-means-plus function terms, in descending order. (*See* Docket No. 60).

Patent	Term
'277	control signaling
'277	carrying out the plurality of control signallings . . . without releasing a connection established for control signaling between the terminal and access network
'277	transmit[ting] a request for maintaining the connection established for control signalling between the terminal and the access network
'022	Modify/modifying the default forgetting factor
'664	Modify/modifying the default forgetting factor
'959	Dynamic configurations
'850	Predetermined period

² Several of these terms are recited using similar or identical language in different patents, such that the total number of non-means-plus-function terms is more than 8.

'022	Calculate/calculating a default forgetting factor
'664	Calculate/calculating a default forgetting factor
'277	One or more core networks

As for means-plus-function terms, Apple's position is that construction is inherently necessary for such terms, to allow the jury to understand the scope of that specialized language. Pursuant to the Docket Control Order, Apple provides the following chart that indicates the number of affected claims for each term, in descending order. (*See* Docket No. 60).

Patent	Term
'143	means for sending uplink packet data to the system using a selected channel, wherein the selected channel is either a common channel (RACH) or a dedicated channel (DCH)
'143	means for receiving a threshold value of a channel selection parameter from the system
'143	means for storing said threshold value of the channel selection parameter
'143	means for comparing said threshold value of the channel selection parameter to a current value of the channel selection parameter for basis of said channel selection
'860	means for decrypting base station location information using said decryption key
'860	means for receiving a decryption key or data needed to construct said decryption key from the mobile station together with a key or data needed to construct the next decryption key
'143	means for comparing a current value of the last channel selection parameter sent to the mobile station to said calculated value of the channel selection parameter
'143	means for making said channel selection on the basis of said comparison (claim 19)
'143	means for calculating a value corresponding to the channel selection parameter on the basis of the parameters of the data packet to be sent
'860	means for receiving on a broadcast channel information related to a service
'860	means for decrypting said information by means of a decryption key
'860	means for receiving said decryption key or data needed to construct said decryption key together with a key or data needed to construct the next decryption key on a channel assigned to said mobile station in connection with a location update procedure
'860	means for receiving from the mobile station encrypted information related to a service
'860	means for decrypting said information by means of a decryption key
'860	means for receiving said decryption key or data needed to construct said decryption key from the mobile station related to a location update procedure (claim 12)
'860	means for receiving said decryption key from the mobile station related to a location update procedure (claim 14)
'860	means for calculating the location of the mobile station on the basis of time

	difference information and base station location information (claim 15)
'959	means (56) for receiving a broadcast control signal issuing from a base station to which the mobile station is being handed over by another base station and for performing an error check of the broadcast control signal
'959	means (55), responsive to the error check of the broadcast control signal, for either reading any dynamic configuration indicated by the broadcast control signal or waiting until a predetermined time and then activating the means for receiving the broadcast control signal, depending on the error check
'277	means for carrying out control signallings in a telecommunication system via an access network to one or more core networks
'143	means for making said channel selection on the basis of the result of said comparison (claim 18)

The parties' proposed constructions of and corresponding structures for those terms are attached as **Exhibit 1**, which also identifies evidence in support of each party's proposed construction.

III. ANTICIPATED LENGTH OF TIME FOR THE CLAIM CONSTRUCTION HEARING (P.R. 4-3(c))

The Court has set a claim construction hearing for October 3, 2013 at 9:00 a.m. Core Wireless expects that the hearing will take no more than 90 minutes per side for a total of three hours. Apple expects that the hearing will take no more than 2 hours per side for a total of no more than four hours.

IV. WITNESSES TO BE CALLED AT THE CLAIM CONSTRUCTION HEARING (P.R. 4-3(d))

The parties do not intend to call any witnesses during the claim construction hearing.

Dated: June 21, 2013

Respectfully Submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of this document via email, Federal Express and/or U.S. First Class Mail.

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